

# EXHIBIT 4



RECEIVED

U.S. Department of Justice

Federal Bureau of Investigation

APR 19 2018

Office of the General Counsel

Washington, D.C. 20535-0001

April 18, 2018

Via First Class Mail

Mark G. Jeffries  
Steptoe & Johnson PLLC  
40 White Oaks Boulevard  
Bridgeport, WV 26330

Re: Ballock v. Costlow, *et al.* – Civil Action No. 1:17-CV-52

Dear Mr. Jeffries:

On or around April 9, 2018, the Federal Bureau of Investigation ("FBI") received a copy of a request purporting to require the FBI to provide information concerning the personnel file of Mr. Scott T. Ballock. I have included a copy of the request, without the originally included attachments, for your reference.

The disclosure of FBI records and information in administrative or judicial proceedings is controlled by statute and regulation. In order for the FBI to disclose records or information, the requestor must provide the FBI with a jurisdictionally-valid subpoena, order, or demand of a court or other authority, and a scope and relevancy statement as described in Title 28, Code of Federal Regulations ("C.F.R."), Sections 16.21-29. Because you have not provided this office with sufficient information to properly evaluate your request, we are not authorized to produce any FBI information in connection with this matter. See United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951).

Regulations require an explanation of how the requested information is necessary to any ongoing legal proceeding. As an initial matter, the FBI considers matters involving personnel actions particularly sensitive. Also, the information you request – the reason for Mr. Ballock's departure from the FBI – is equally available from Mr. Ballock himself, who is a party to the case referenced above. Mr. Ballock would have documents related to the reason for his departure from the FBI in accordance with 5 U.S.C. Chapter 75, and therefore this request is more properly addressed to him. The overly broad request "including but not limited to Mr. Ballock's complete personnel file" amounts to a fishing expedition when compared to the information purportedly sought. Moreover, information regarding Mr. Ballock's arrest and the disposition of any criminal proceeding against him is publically available due to contemporaneous media coverage and other public records. If you intend to resubmit your request in compliance with the aforementioned regulations and in consideration of the fact that the information you seek is more easily available elsewhere, please provide as much information as possible concerning both the specific materials sought and their relevance to your proceeding.

Should you provide to the FBI a jurisdictionally valid subpoena, as well as the required information, we will review your submission in light of the relevant federal regulations, and will make a determination as to the propriety of the requested release of information. The referenced provisions of the C.F.R., however, are not intended to, and do not, create any right or benefit, substantive or procedural, against the United States. The FBI reserves its rights under Sections 16.21-29, and your compliance with the referenced regulations may not obligate the FBI to release the information you seek.

In addition, our ability to comply with this request is limited by the Privacy Act, Title 5 of the United States Code, Section 552a. The Privacy Act generally prohibits disclosure of records maintained by government agencies, such as the FBI, that are retrieved by the name of an individual. In order for the FBI to process your request, you may need to supply us with a federal court order, a waiver, or some other basis for production consistent with the Privacy Act. Although you allege that disclosure without a federal court order or waiver is appropriate, you have not provided a sufficient basis to conclude that disclosure in this case is, in fact, appropriate. I have included a copy of the appropriate waiver for your convenience.

Please direct any further communication regarding this request to me at (202) 324-6621 or by email at [prwellons@fbi.gov](mailto:prwellons@fbi.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Paul R. Wellons', written in a cursive style.

Paul R. Wellons  
Unit Chief